

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANDREA EGGLESTON MAYO,

Plaintiff,

v.

SAMANTHA ALEXIS MAYO,

KATHY AUSLEY, DOMBY

LEVON AUSLEY, LARRY K.

ANDERSON, TERRY KEY,

PETER MCINNISH, BOBBY

GENE TRUITT, STEVE

PARRISH, CASEY BECK,

MAURICE ALFONSO

EGGLESTON, and KALIA

LANE,

Defendants.

CASE NO. 1:17-CV-333-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge (Doc. # 10), to which Plaintiff Andrea Eggleston Mayo has filed objections (Doc. # 11). The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In her objection, Ms. Mayo argues the merits of her case, claiming that she is entitled to relief. In so doing, she misses the thrust of the Recommendation: that her case is due to be dismissed for lack of subject-matter jurisdiction. Rather, because

the state-court action had already been dismissed prior to the attempted removal, the Magistrate Judge properly recommended dismissal without prejudice.

Accordingly, it is ORDERED as follows:

1. Plaintiff Andrea Eggleston Mayo's objection (Doc. # 11) is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. # 10) is ADOPTED; and

3. This case is DISMISSED without prejudice for lack of subject-matter jurisdiction.

A final judgment will be entered separately.

DONE this 24th day of July, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE